

REMARKS

Claims 1-11 were pending in the application. The Office Action dated July 2, 2008 rejects claims 1-10 and objects to claim 11. The Office Action indicates that claim 11 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant thanks the Examiner for identifying allowable subject matter.

This paper amends claim 1 to include the allowable subject matter of claim 11 (and intervening claim 10), in effect, rewriting claim 11 in independent form in accordance with the Office Action. In addition, this paper cancels claims 10 and 11.

Applicant is not conceding that the subject matter encompassed by claims 1, 10, and 11 prior to this Amendment is not patentable over the art cited by the Examiner. Claim 1 was amended and claims 10 and 11 were cancelled in this Amendment solely to facilitate expeditious prosecution of the application. Applicant respectfully reserves the right to pursue claims, including the subject matter encompassed by claims 1, 10, and 11, as presented prior to this Amendment and additional claims in one or more continuing applications.

Claims 1-9 are now pending in the application.

Claim Rejections – 35 U.S.C. 102

The Office Action rejects claims 1-3 and 9 under 35 U.S.C. § 102(b) as being anticipated by Silver (U.S. Patent Application Publication No. 2002/0023136). In view of the amendment of claim 1 to include the allowable subject matter of claim 11 (and of intervening claim 10), applicant respectfully submits that this rejection is moot and that claims 1-3 and 9 are allowable as presently written.

Claim Rejections – 35 U.S.C. 103

The Office Action rejects claims 4-7 under 35 U.S.C. 103(a) as being unpatentable over Silver in view of Yaker (U.K. Patent Application No. 2,350,711) and claims 8 and 10 over Silver in view of Rousse (U.S. Patent Application Publication No. 2002/0090933). In view of the amendment of claim 1 to include the allowable subject matter of claim 11 (and of intervening claim 10), from which each of these claims depends, applicant respectfully submits that these rejections are moot and that claims 4-8 and 10 are allowable as presently written.

CONCLUSION

Applicant submits that this paper provides a response for all pending claims. Any absence of a reply to a specific rejection, issue, or comment, or to any taking of “official notice” or reliance on “common sense”, however, does not signify agreement with or concession of that rejection, issue, comment, taking of “official notice”, or reliance on “common sense”. In addition, because the arguments made above are not exhaustive, there may be reasons for patentability of any or all pending claims that have not been expressed.

In view of the amendments and arguments provided herein, applicant submits that the application is in condition for allowance and requests early favorable action by the Examiner.

If the Examiner believes that a telephone conversation with the applicant's representative would expedite allowance of this application, the Examiner is cordially invited to call the undersigned at (508) 303-0932.

Respectfully submitted,

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